THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 12634 of 1996

31-10-2005

Between:

Kandukur Washermen Cooperative Society Ltd Rep by its President
T. Bramhaiah . S/o.Venkaiah, Kandukur , Prakasam Dist.

..... PETITIONER

AND

Kandukur Municipality Rep by its Commissioner
Kandukur , Prakasam Dist

.....RESPONDENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 12634 of 1996

O R D E R:

Alleging that the respondent-Municipality is trying to interfere with the right of the petitioner-society to use the tank reserved for them under the guise of providing drinking water to the residents of that locality, petitioner-society filed

this writ petition seeking a direction to the respondent not to interfere with their right to use Chakali Kunta.

The contention of the learned counsel for the petitioner is that from the long time past, the tank in S.No.184 of Kandukur town is recognized as Chakali Kunta and so the washermen of that locality are using it for washing clothes etc., and that the Chairman of the respondent-municipality who has grudge against them for their not supporting him during elections, has been giving out that he would use the tank for providing drinking water to the residents of that locality and would not permit them to carry on their work of washing clothes though they have no objection for sinking a bore well for drinking water purpose, if the same does not interfere with their right to wash the clothes.

The contention of the learned Standing Counsel appearing for the respondent-corporation is that since the tank has vested in the municipality, by virtue of Section 37 of A.P. Municipalities Act, 1965, it had already sunk a bore well for the purpose of providing drinking water to the residents of the locality and other places in view of the acute scarcity of drinking water in that area without any evil intention and so the petitioner is not entitled to any relief.

Along with the writ petition, petitioner-society produced a copy of the proceedings in R.Dis.No.2148/76 dated 27-1-1977 issued by the Revenue Divisional Officer, Kandukur, which show that Survey No. 184 of Kandukur village in an extent of Ac.26.25 cents is reserved to the washermen and that that fact entered into the Prohibitory order book of Kandukur petitioner also produced a copy of the order of the Collector, Ongole, in Dis.No.2621/82 (D7) dated 12-3-1992, which shows that the washermen of the Kanduku Panchayat are permitted to cut the chilla tree bushes in S.No.184 and 894/1 of Kandukur for their use. It also shows that those Survey Numbers are reserved for washermen and are entered into the prohibitory order book and that the water in those Kuntas is being utilized for the purpose of washing the clothes.

Both the proceedings produced by the petitioner which are not disputed by the respondent clearly show that water in the kunta is being used by the washermen, and so respondent cannot interfere with the right of the petitioner-society to wash clothes therein. Since the petitioner-society has no objection for sinking bore well for providing drinking water to the neighbours, and since

the counter filed on behalf of the respondent shows that a bore well was already sunk, no direction regarding the bore well need be given in this writ petition.

Therefore, with a direction to the respondent-municipality not to interfere with the right of washing clothes by members of the petitioner- society in S.No.184 of Kanduku village, the writ petition is disposed of. No costs.

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31-10-2005

Mjl/*